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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 GAYLEN TIBBITT,

9 Plaintiff,

v.

10 BANK OF NEW YORK MELLON, et
11 al.,

12 Defendants.

CASE NO. C19-5443 BHS

ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS

13 This matter comes before the Court on Defendant Quality Loan Service
14 Corporation of Washington's ("QLS") motion to dismiss. Dkt. 23.

15 On August 15, 2019, Plaintiff Gaylen Tibbitt ("Tibbitt") filed an amended
16 complaint against QLS. Dkt. 16. On December 16, 2019, QLS filed a motion to dismiss
17 for failure to state a claim. Dkt. 23. Tibbitt did not respond, which the Court considers
18 as an admission that the motion has merit. Local Rules W.D. Wash. LCR 7(b)(2). On
19 January 7, 2020, QLS replied. Dkt. 24.
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1 Upon review of the complaint and the motion, the Court agrees with QLS.
2 Therefore, the Court grants QLS's motion to dismiss with prejudice and without leave to
3 amend because Tibbett has had multiple opportunities to amend his complaint.

4 **IT IS SO ORDERED.**

5 Dated this 25th day of February, 2020.

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9 BENJAMIN H. SETTLE
10 United States District Judge
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